

UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,252	05/02/2001	Michael J. Czaplicki	1001-053	5036
75	90 05/09/2002			
Eric M. Dobrusin			EXAMINER	
Dobrusin Darden Thennisch & Lorenz PC Suite 331			FOELAK, MORTON	
401 South Old Woodward Avenue Birmingham, MI 48009			ART UNIT	PAPER NUMBER
Diffinigham, w			1711	2
			DATE MAILED: 05/09/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.					
		Applicant(s)				
Offic Action Summary	09/847,252 Examiner	CZAPLICKI ET AL.				
	Morton Facial	Art Unit				
The MAILING DATE of this communication ap	Morton Foelak pears on the cover sheet with the	1711				
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	136(a). In no event, however, may a reply be to by within the statutory minimum of thirty (30) da will apply and will expire SIX (6) MONTHS from	imely filed bys will be considered timely.				
1) Responsive to communication(s) filed on						
1 20\ This	— is action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is Closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
4) Claim(s) 1-19 is/are pending in the application						
4a) Of the above claim(s) is/are withdraw	vn from consideration					
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-19</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or Application Papers	election requirement.					
9)☐ The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 27 CER 4 and 3						
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
in approved, corrected drawings are required in reply	v to this Office action	ved by the Examiner.				
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120	•					
13) Acknowledgment is made of a claim for foreign p	priority under 35 U.S.C. § 119(a)-	-(d) or (f)				
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents i	nave been received.					
Certified copies of the priority documents r	have been received in Application	n No				
3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list of	documents have been received	in this National Stage				
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
The translation of the loreign language provisional application has been been been been been been been bee						
The wind wind is finded of a claim for domestic priority under 35 LLS C. 88 120 and/or 124						
	00 0					
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	4) Interview Summary (F 5) Notice of Informal Pat 6) Other:	PTO-413) Paper No(s) ent Application (PTO-152)				
Patent and Trademark Office						

1) 2) Application/Control Number: 09/847,252

Art Unit: 1711

DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claim1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hilborn et al, Harrison et al, Markhlouf and Wyceck.
- 3. Patentees disclose the claimed composition. Note cols. 3 and 4 of Makhlouf et al and specifically the areas which call for thixotropic fillers and amine curing agents. Also note col. 5 of Harrison where thixotropic fillers and expandable microspheres are disclosed and col. 4 line 40 et.seq. where the claimed curing agents are disclosed. Attention is directed to cols. 7, 9 and in the cols. 1 and 2 where the flow chart in Wycech discloses the separation of the catalyst from the resin to prevent premature foaming and curing of the epoxy resin and all of col. 5 and col. 7, line 1-13 of Hilborn et al.
- 4. It would have been obvious to one skilled in the art to duplicate the claimed process since the prior art teaches all the steps of the claimed process are old in the art and provides the motivation to follow the claimed process.
- 5. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 - 1. Determining the scope and contents of the prior art.

Application/Control Number: 09/847,252

Art Unit: 1711

Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Morton Foelak whose telephone number is (703) 308-2442.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

M.F. May 4, 2002

0661.

Morton Foelak Primary Examiner Art Unit 1711